



OLD VALUES - NEW HORIZONS

COMMUNITY DEVELOPMENT

3 North Lowell Rd., Windham, New Hampshire 03087

(603) 432-3806 / Fax (603) 432-7362

www.WindhamNewHampshire.com

Planning Board Draft Minutes

Wednesday, February 10, 2016

7:00pm @ Community Development Department

Alan Carpenter, Chairman - Present
Kristi St. Laurent, Member - Present
Margaret Crisler, Member - Present
Joel Desilets, Selectman - Present
Kathleen DiFruscia, Alternate - Excused
Ross McLeod, Alt Selectmen - Excused

Paul Gosselin, Vice-Chairman - Present
Dan Guttman, Member - Present
Ruth Ellen Post, Member - Excused
Gabe Toubia, Alternate - Excused
Matthew Rounds, Alternate - Present

Staff:

Elizabeth Wood, Community Planner, AICP
Suzanne Whiteford, Minute Taker

Call to Order/Attendance/Pledge of Allegiance

Mr. Desilets reviewed voter turnout at the New Hampshire Primary held in Windham on 2/10/2016. The day went well and ran smoothly thanks to the Town staff and volunteers.

Mr. Rounds seated for Ms. Post.

Case#2015-34/Preliminary Major Site Plan/Design Review Major Subdivision/Simpson's Crossing/55+ Housing/36 Marblehead Rd, 50 Sharon Road (25-D-39; 25-G-30, 40)

A Preliminary Major Site Plan Application and Design Review Application for a Major Subdivision has been submitted for 36 Marblehead Road (25-G-30, 40) and 50 Sharon Road (25-D-29), located in the Residence District A zone and Wetland and Watershed Protection District (WWPD) Zone. The applicant, Joseph Maynard, of Benchmark Engineering, Inc., on behalf of the property owners, South Fork Properties, LLC, Windham Marblehead Properties, LLC, and the Sally D'Angelo Trust, is proposing to adjust the lot line of Lot 25-D-39 and merge a portion of it with Lots 25-G-30, 40 for the purposes of constructing a 55+ housing community consisting of 37 single-family units and including related parking, drainage, and snow storage areas on property sized +/- 50 acres. New private roads are proposed to access the development. A WWPD Special Permit will be required at the time a final application is submitted due to proposed disturbance for the installation of roads, parking, and drainage features.

Applicant Mr. Maynard does not have any new plans to submit. Mr. Maynard gave a letter from a wetland scientist for the Planning Board members review and it entry into the file.

Mr. Guttman asked for a list of anticipated requested waivers.

Mr. Maynard reviewed anticipated waiver requests.

Mr. Gosselin read a letter of objection into the record from Joseph DeAntona dated January 26, 2016 addressed to the Chairman and Planning Board.

Chairman Carpenter read a letter of response from applicant Joseph Maynard dated February 1, 2016 addressed to Conservation Commission.

Mr. Gosselin read a letter rejecting the proposed expansion of Emerson Rd. into the record from David Sevigny dated February 9, 2016 addressed to the Planning Board.

Amy Manzelli Esq. is representing Rock Pond. Ms. Manzelli remains hopeful to work with the developer. Ms. Manzelli is concerned about the certainty of the applicant being open to having the project go above what is minimally requested.

Mr. Gosselin commented it would be challenging for the Planning Board to request an applicant to go above and beyond the minimum requirements.

Edwin Crean, 5 Canterbury Road spoke in opposition of the proposed plan. Mr. Crean is concerned about density and the lack of community amenities.

Morgan Hollis Esq. representing the applicant. Mr. Hollis agreed the applicant would meet and work with the Rock Pond Association. The applicant, per Mr. Hollis, is waiting for feedback from the Planning Board before any amendments to the submitted plan will be made, or expert opinions regarding traffic and water obtained.

Chairman Carpenter appreciates Mr. Hollis's comments. The makeup of the Board changes week to week and elections will occur in the near future. The Board tries to avoid changes in guidance given to the applicant but it can happen.

Bruce Riel, 34 Marblehead Rd is concerned about traffic and requests a traffic study.

Michael Furey, 12 Emerson Rd. spoke in opposition to the number of proposed houses. He is concerned about density and sloping topography

Karen Rogers, 70 Marblehead Rd. spoke in opposition to the number of proposed houses.

Wayne Morris, Jordan Rd. asked if the Planning Board's hands are tied regarding the number of houses proposed on the lot, and if any additional studies will be done before approving the proposed number of houses.

Chairman Carpenter reviewed the process for approving and requesting a change in the proposed number of houses for a development. Chairman Carpenter clarified no studies have formally been requested of the applicant.

Darin Leeman, 9 Joran Rd. spoke in opposition to the proposed plan because he does not believe it meets the town and/or national standards for 55+ housing and could possibly be overturned in the future.

Guy Assetta 33 and 31 Marblehead Rd. spoke in opposition of the plan; it is a beautiful community and she wants the lakes and forests preserved.

Donna Gauthier, 50 Marblehead Rd. is the owner applicant and an established resident of the community and cares about the community. Ms. Gauthier is willing to put a community building in the proposed development.

Jack Siminiski with Benchmark Engineering is designing the drainage system for the proposed plan. He intends to meet with UNH Storm Water and consider their recommendations in addition to investigating ways to manage storm water drainage and present all available options. Mr. Siminiski intends to meet and exceed all expectations for storm water management.

Chairman Carpenter asked what will flow into the retention Pond.

Mr. Siminiski responded that water from the road and whatever water runs off the units toward the road will flow into the retention pond. There will not be an increase in runoff to Rock Pond from the roof and the grass.

Chairman Carpenter is concerned that the lawn will have nutrients and fertilizers on it that will run into Rock Pond.

Mr. Siminiski responded the amount of nutrients and fertilizers that run into Rock Pond would have a negligible impact. The runoff will not flow directly into Rock Pond. Jack is willing to put some kind of protection into the covenant to use environmentally safe lawn products.

Chairman Carpenter does not believe the nutrients and nitrogen and other chemicals will be filtered between the houses and the Pond.

Mr. Maynard commented that there is a non-stabilized ditch line on the lot. Mr. Maynard intends to submit a proposal to improve the ditch line, stabilize the slope, and take into consideration suggestions from UNH storm water. Mr. Maynard intends to follow Cobbett's Pond & Canobie Lake watershed for environmental products and put their guidelines into the covenant. The ditches on the property drain into two culverts and run under Emerson Rd. into Rock Pond. One culvert is too small and needs to be upgraded. The second culvert drains into the ditch which Mr. Maynard plans to improve.

Norm Young commented the 17% impervious surface proposed cannot handle water from a 50-year flood. It will overflow severely, as it is designed, directly into Rock Pond. Mr. Young reviewed specific numbers regarding amounts of rainfall.

Mr. Siminiski commented that the first flash of a rainfall was reviewed by Mr. Young. The treatment area is concentrated on 1 inch of rain. He reviewed how the data is compiled to handle the rainfall. The Pond will handle a hundred year storm.

Chairman Carpenter asked for Board input to road widths.

Mr. Gosselin confirmed with the applicant that the roads are owned and maintained by the home owners' association of the proposed development.

Ms. Crisler is concerned about the width of the road and the cul de sac not being adequate for passing of Emergency Vehicles, especially with cars parked on the street. Without sidewalks, pedestrians will be walking in the road; the road width should allow for pedestrians to be safely passed by vehicles. The visitor parking is inadequate. Ms. Crisler is requesting wider roads and additional parking.

Mr. Desilets believes 22 feet road width is sufficient for the development. Wider roads will create more runoff into the pond. Wider roads could potentially be unsafe; the wider the road the faster people drive. Mr. Desilets does not see the need for additional road width or additional visitor parking.

Mr. Rounds suggested defaulting to the Public Safety officials regarding road width.

Ms. St. Laurent agrees with Ms. Crisler. The road width may not be adequate to allow for pedestrians to walk on the road for exercise and suggest to widen the road or add sidewalks. Ms. St. Laurent believes there should be extra parking spots within the development.

Chairman Carpenter clarified that Lily Rd. is proposed for 20 feet and the main road 28 feet. Highway safety didn't agree with 20-foot width on Lily Rd. Runoff from 28 feet will be significantly more than runoff from 20 and 22 feet road width.

Mr. Guttman inquired about a consideration for nonstandard grass in the development. Runoff from standard grass is greater than nonstandard grass which would counter out the additional runoff as a result of widening the road.

Ms. Crisler commented that implementing something as suggested by Mr. Guttman is not enforceable. Ms. Crisler also believes that trying to enforce environmentally safe chemicals on the lawn is not reasonable. The proposal is supposed to be specifically targeted to 55+ housing; as proposed, it does not meet the required 12 points stipulated in the 55+ ordinance. The plan should be looking to protect the forest and protect Rock Pond.

Chairman Carpenter asked to give a show of hands regarding road width.

Mr. Desilets suggested 22 feet width on the short road and 24 feet on the main road.

The Board voted 7-0-0 in favor of Mr. Desilets suggested road widths.

Chairman asked the Board to comment on the 8% slope at the top of the hill.
Mr. Maynard clarified the length is under 500 feet.

By a show of hands, 4 out of 7 Board members are concerned about the 8% slope.

Mr. Maynard reported the cul de sac length is 62.5 feet and is more of a glorified driveway.

Chairman Carpenter suggested the applicant deal with highway safety regarding the cul de sac length. Board members agree with Chairman Carpenter's suggestion of cul de sac length.

Chairman Carpenter asked the Board to comment on the proposed parking. Would the Board like to see additional overflow parking?

Mr. Maynard suggested to increase individual parking to 3 car parking from 2 car parking.

Mr. Gosselin suggested to make the cul de sacs additional parking.

Mr. Desilets clarified that every single unit has 2 car garages.

The Board does not have a concern for additional parking.

Chairman Carpenter asked how many houses can fit into a traditional yield plan.

Mr. Maynard's responded he can place 13 to 14 traditional houses on the lot.

Chairman Carpenter asked the Planning Board if they want to see a traditional yield plan.

Mr. Gosselin commented that a traditional yield plan is based on a 4-bedroom traditional home. He believes there is merit to seeing a traditional yield plan. The yield plan will protect the Board from future issues.

Mr. Desilets does not understand the equation. Mr. Maynard says 14 houses will fit on the lot. 14 houses multiplied by 4 bedrooms per house totals 56 bedrooms. How does Mr. Maynard come to 71 bedrooms in the proposed plan.

Mr. Maynard reviewed his equation and states he calculated 71 bedrooms based on the ordinance.

Ms. St. Laurent reviewed ordinance Sections 610.6 and 610.6.1. Based on the content of the sections, does the Board have to consider dimensions in addition to soil based sizing?

The Board does not think dimension is part of the consideration.

Mr. Gosselin commented that the proposed plan is a road with a bunch of houses on it. If there is some type of community building for residents to gather that makes it more like a 55+ plan.

Chairman Carpenter asked the Board to comment on the requirements for a 55+ plan and how his proposal satisfies the requirements.

Mr. Desilets asked for further clarification on the amount of bedrooms allowed on the lot based on soil based lot tests.

Mr. Maynard commented that 71 bedrooms are allowed on the lot based on soil based lot tests.

Mr. Desilets does not see the need for a traditional yield plan.

Chairman Carpenter polled the Board regarding a traditional yield plan

4-2-1 in favor of the yield plan. Ms. Crisler is abstained. Mr. Gosselin is opposed to a yield plan based on whether the development includes a community center. Without a community center he is opposed.

The Planning Board is suggesting to the applicant that a yield plan will be helpful to the Planning Board. Ms. St. Laurent is looking for a yield plan as outlined in the ordinance Section 610.6.1 appendix 1a. Ms. St. Laurent asked how many soil samples were the number of standard houses based on.

Mr. Maynard reviewed the results of the soil test. 15 different soils tests were performed. 3 of the 15 are wetland type soil. 12 different groups of soil exist on the property. The lot sizes, based on soil based lot tests, range between 55,000 to 125,000.

Ms. St. Laurent was not considering a traditional yield plan when weighing in on the request for a yield plan.

Mr. Desilets does not believe a traditional yield plan will need to show a road and driveway going to each house.

Chairman Carpenter asked for additional comments from the Board regarding a traditional yield plan. The Board is in agreement to have Mr. Maynard submit the work he has done, which is not a traditional yield plan but rather the yield plan required in the ordinance, that shows the road and number of houses that can fit on the lot and has been approved by Mr. Keach.

Ms. Crisler does not believe this is a development for typical senior housing. The one bedroom homes changed from 2 bedrooms are not the correct measurement based on the ordinance. Ms. Crisler is concerned the 1 bedroom homes are essentially the size of a 2 bedroom home changed to a one bedroom home with a study.

Mr. Guttman is concerned about the size of the homes in the proposed development. The footprint for the homes in the proposed development are not significantly smaller than a typical home in Windham.

Mr. Gosselin reviewed there is less maintenance when downsizing from a 3000sq. foot home to a 2400 sq. foot home which fits the 55+ desire.

Ms. St. Laurent requested reconsideration of the request to reconsider a traditional yield plan. The Board voted 4-3-0.

Ms. St. Laurent request a traditional yield plan
Second by Mr. Guttman
Vote 3-4-0

The Board is not requesting a traditional yield plan from the applicant.

Chairman Carpenter asked the Board to comment on the number of units.
Mr. Desilets asked if the Board is commenting on the number of bedrooms or the number of units.

Mr. Gosselin commented that the question of bedrooms and units is not separated. Decreasing the number of bedrooms will not necessarily decrease the number of units.

Mr. Desilets commented on the average size of a Windham house. Mr. Desilets is in favor of having a handful of one bedroom units in order to reduce the number of bedrooms from 74 to 71.

Mr. Desilets believes a traditional new home in town yields approximately 2600 sq. feet in bedroom space. The units on the proposal are approximately 2300 sq. ft. which is significantly smaller than a traditional home size.

Ms. Crisler directed Chairman Carpenter's attention to Section 610 of the town ordinance. According to the ordinance, the applicant does not meet any of the twelve conditions. Ms. Crisler believes the Board should seriously question the number of units proposed and the proposed road which is in the watershed.

Mr. Desilets referenced Section 610.9 regarding additional criteria for approval. Mr. Desilets requested validation of the soil base lot sizing calculation yielding 71 bedrooms by town council and validation of what has to be done from the list of conditions for 55+ housing.

Ms. Crisler clarified that Section 610.9 is required to be met for 55+ housing. Ms. Crisler believes the number of houses should be reduced to 20.

Mr. Gosselin believes some of the listed conditions for 55+ housing in Section 610.9 has been met. The community building meets some of the criteria required under 610.9. Mr. Gosselin is comfortable with the plan as presented with the addition of a community building.

Ms. St. Laurent commented that there is an inherent density bonus with a 55+ housing project. Ms. St. Laurent wants to have a good handle on the number of proposed houses. The number of bedrooms allowed, per the soil based lot testing, is the maximum number of allowable units. The plan as proposed seems very dense. Ms. St. Laurent would prefer to see a reduction in the number of units rather than changing the units to 1 bedroom. Ms. St. Laurent is not confident with the number of units proposed.

Mr. Desilets agrees with Mr. Gosselin's concern about whether or not the plan meets state and federal laws. A facility for various community use, sufficient in nature, with 71 bedrooms would satisfy the ordinance.

Mr. Guttman believes the number of housing units should be 28; which keeps the number of bedrooms that would have been allowed for traditional 4 bedroom houses.

Mr. Rounds referenced Section 610.1 and believes the Planning Board can approve the development as a 55+ housing complex or not approve it.

Chairman Carpenter does not believe the proposed plan is giving enough back to the residents of the community. There will be room for some common facilities if the number of units were decreased. Chairman Carpenter is in favor of considerably less units than proposed, and spacing them out.

Mr. Desilets is concerned that Section 610.1 requirements are not clear to applicants and land owners.

Ms. Crisler commented that the mission of the Planning Board is to take the specific plan and see what is appropriate. The proposal is in the watershed of one of the most pristine ponds in town. Ms. Crisler is concerned about the density of the plan. The proposal as it is makes it hard for 55+ to live there.

Mr. Gosselin believes there are two questions to be answered:

1. Should the Board allow the development to move forward as a 55+ housing development
2. After that is decided then the number of units can be decided.

Chairman Carpenter advised the Board to consider how they feel 55+ works on this property and is this lot appropriate for 55+ housing.

Mr. Desilets made a motion that the Board direct staff to ask legal counsel if the Planning Board can completely deny 55+ in this location.

Second, none

No Vote

Mr. Gosselin made a motion asking the Board if they agree this location is appropriate for 55+ housing.

Second by Mr. Rounds

4-2-1 Mr. Desilets abstained, he requests legal opinion

Mr. Hollis addressed the Board and stated he is happy to have the plan tabled. Mr. Hollis and the applicant have a meeting scheduled next Tuesday with UNH storm water center. The applicant will consider their comments. Mr. Hollis and the applicant understand the objective of the residents near and on Rock Pond and the objective of the Board. Mr. Hollis and the applicant will consider the comments about density and amenities and consider the UNH storm water center comments. Mr. Hollis and the applicant are comfortable with an extension.

Mr. Guttman asked Mr. Hollis to ensure that staff receives a copy of the UNH recommendations.

Ms. St. Laurent commented she is concerned about the drainage plan. She is concerned the proposed destination pond which will receive the majority of the runoff and that will modify the wetlands. The plan as proposed seems to be putting all eggs in one basket and Ms. St. Laurent would like to see scattered baskets. Ms. St. Laurent is concerned about the qualitative effect having the water diverted to one spot and the water now goes everywhere.

Motion by Mr. Gosselin to continue the Case#2015-34 to March 30, 2016.

Second by Mr. Rounds

5-0-2, Ms. St. Laurent and Mr. Desilets abstained.

Motion by Mr. Guttman to approve the minutes of December 2, 2015 as amended

Second by Mr. Gosselin

Vote 6-0-1, Mr. Desilets abstained

Motion by Mr. Guttman to approve the minutes for both site walks.

Second by Ms. St. Laurent

Vote 5-0-2, Ms. Crisler and Mr. Desilets abstained.

Motion by Mr. Gosselin to approve the minutes of December 9, 2015 as submitted

Second by Mr. Guttman

Vote 5-0-2, Ms. Crisler and Mr. Desilets abstained

Motion by Mr. Gosselin to approve the minutes of December 16, 2015 as amended

Second by Mr. Guttman

Vote 5-0-2, Ms. Crisler and Mr. Desilets abstained

Motion Mr. Gosselin to adjourn

Second by Mr. Desilets

Vote 7-0-0

Meeting adjourned 9:55 pm

Minutes submitted by Suzanne Whiteford, Minute Taker